

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

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<b>In Re:</b>	§	
	§	
<b>DEEP MARINE HOLDINGS, INC.,</b>	§	<b>Case No. 09-39313</b>
<b>et al.</b>	§	
	§	
<b>Debtors.</b>	§	<b>Jointly Administered</b>
		<b>Chapter 11</b>

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**ORDER (I) PROHIBITING UTILITY COMPANIES FROM ALTERING, REFUSING,  
OR DISCONTINUING SERVICE, (II) DEEMING UTILITIES ADEQUATELY  
ASSURED OF FUTURE PERFORMANCE, AND (III) ESTABLISHING  
PROCEDURES FOR DETERMINING ADEQUATE  
ASSURANCE OF PAYMENT**

CAME ON FOR CONSIDERATION the Emergency Motion for Order (I) Prohibiting Utility Companies from Altering, Refusing or Discontinuing Services, (II) Deeming Utilities Adequately Assured of Future Performance, and (III) Establishing Procedures for Determining Adequate Assurance of Payment (the "Motion")<sup>1</sup> filed by the above-captioned debtors and debtors-in-possession (the "Debtors"), and it appearing to the Court that notice was sufficient under the circumstances and that the relief sought should be granted,

**IT IS HEREBY ORDERED THAT:**

1. The Debtors are authorized, but not directed, to pay on a timely basis, in accordance with their pre-petition practices, all undisputed invoices for post-petition Utility Services provided by the Utility Companies to the Debtors;

2. Any undisputed charge for utility services provided by the Utility Companies to the Debtors post-petition shall constitute an administrative priority expense under 11 U.S.C. § 503(b)(1)(A) and § 507(a)(1);

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<sup>1</sup> Unless otherwise defined herein, capitalized terms shall have the meaning ascribed to them in the Motion.

3. The Debtors shall provide to each of the Utility Companies an amount which, in the Debtors' best estimation given the Debtors' reduced staffing, should be equal to one month of Utility Services;

4. The Cash Deposit paid to each Utility Company shall constitute adequate assurance of payment for future services as required under 11 U.S.C. § 366;

5. Each of the Utility Companies is prohibited from altering, refusing, or disconnecting utility service to the Debtors or otherwise discriminating against the Debtors on account of unpaid pre-petition invoices and from requiring the payment of a deposit or other security in connection with the provision of post-petition utility services other than as provided for in this Order, unless otherwise ordered by this Court;

6. The Debtors shall serve a copy of this Order upon each of the Utility Companies within five (5) business days after the entry thereof;

7. This Order is without prejudice to the rights of any of the Utility Companies to object to this Order and request in writing within twenty (20) days of the date hereof additional assurances of payment in the form of deposits or other security (the "Additional Assurances Request");

8. If any of the Utility Companies makes an Additional Assurances Request that the Debtors believe is unreasonable, the Debtors shall promptly file a motion for determination of adequate assurance with respect to such Utility Company and promptly set such motion for hearing before this Court (the "Determination Hearing");

9. Each of the Utility Companies for which a Determination Hearing is scheduled, as described in the immediately preceding paragraph, shall be deemed to have adequate assurance of payment until a further order of this Court is entered in connection with such Determination

Hearing, or otherwise, with respect to the Additional Assurances Request made by any of the Utility Companies; and

10. Any Utility Company that does not make an Additional Assurances Request, as set forth herein, shall be deemed to have assurance of payment under 11 U.S.C. § 366 (b) and (c) without further security above and beyond the Cash Deposit.

Dated:\_\_\_\_\_

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MARVIN ISGUR  
UNITED STATES BANKRUPTCY JUDGE